

From: Nathaniel Gray
To: Microsoft ATR
Date: 1/25/02 6:18pm
Subject: Microsoft Settlement

To Whom it May Concern,

I write this letter to state my opposition to the proposed settlement of the Microsoft antitrust case. It does nothing to punish Microsoft for their destructive anticompetitive past behavior or restore competition to the operating systems market and makes only superficial gestures at preventing additional anticompetitive activity in the future. In particular, the open source software community, which in many areas is offering the only viable competition to Microsoft products, appears to be left out in the cold.

For example, the proposed settlement gives Microsoft too much leeway in deciding what projects to cooperate with on matters of interoperability. Section III.J.2.b of the proposed settlement allows Microsoft to veto the licensing of certain APIs, documentation, and communications protocols to any person or entity which does not meet "reasonable, objective standards ESTABLISHED BY MICROSOFT for certifying the authenticity and viability of its business." (emphasis mine) Open source projects are often not-for-profit enterprises, and thus there is no business to judge in this manner. In addition, given Microsoft's past conduct it is outrageous that they should establish the standards by which interoperability decisions will be made.

Another baffling oversight of the proposed settlement is its failure to compel Microsoft to make public its many unpublished file formats. One of the most significant barriers to success that any new office software project faces is achieving the ability to load and save documents in Word, Excel, or Powerpoint file formats. Forcing the publication of these formats would finally allow viable alternatives to Microsoft Office, reintroducing competition to a market that Microsoft has monopolized almost as effectively as the operating systems market.

These are but two examples among many complaints I have against the proposed settlement. Rather than repeat the arguments of others I will simply refer you to Dan Kegel's thorough and insightful analysis of the proposed settlement at:

<http://www.kegel.com/remedy/remedy2.html>

and Zimran Ahmed's open letter at:

<http://www.winterspeak.com/columns/121001.html>

which analyzes the effect of the proposed settlement on several well-established and legitimate open source projects. In addition, please read the GNU organization's proposals for remedies that would have a real and significant effect on competition in the operating system and application markets:

<http://www.gnu.org/philosophy/microsoft-antitrust.html>

Microsoft's criminal actions have led to an impoverished computing landscape of closed de-facto standards and no competition. Any settlement which fails to punish Microsoft in a real way for these actions and enable effective interoperability with Microsoft products for commercial AND non-commercial competitors is not just. Any settlement that does not include strong measures to ensure its own enforcement is not just. The current proposed settlement is such a settlement. Please do justice for the American consumer by rejecting it.

Thank you for your attention,

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